REMARKS

Applicants respectfully request that the foregoing amendments be made prior to substantive examination of the present application.

I. Disposition of the Claims

Claims 1-23 are pending. Claims 1-21 have been amended to correct clerical errors and to conform the claims to U.S. claiming conventions. Claims 22-23 are newly added. Support for all claim amendments and newly added claims is provided in the specification and original claims. Applicants note that the Preliminary Amendment filed with the application on March 25, 2002, contained clerical errors relating to the dependency of the dependent claims, which are corrected in the present Amendment.

Claims 22 and 23 depend from claims 6 and 7, respectively, and thus are properly placed in Group II. Claims 5-19 are elected with traverse.

II. Response to the Restriction Requirement

Applicants hereby provisionally elect Group II, claims 5-19 and newly added claims 22-23, for examination, with traverse. Applicants note that the Preliminary Amendment filed with the application on March 25, 2002, contained clerical errors in the claims, which may have resulted in an improper restriction of the claims as properly amended. Applicants apologize for any confusion this error may have caused. Applicants respectfully request that the claims of Groups II and III are rejoined and that claims 5-23 are examined in this application because the restriction of these claims is improper.

Applicants respectfully submit that the subject matter of each of the restriction groups was incorrectly stated. The Office Action dated May 19, 2004 restricts the claims into the following three groups:

> **Group I:** Claim(s) 1-4 "drawn to a polypeptide of SEQ ID NO: 1."
>
> **Group II:** Claims 5-9 "drawn to DNA encoding a protein of Group 1, host cell comprising said DNA and a method of producing the polypeptide."
>
> **Group III:** Claims 20-21 "drawn to a method of using the polypeptide of Group I."

Office Action, p. 2. Properly stated, the groups should be as follows:

> **Group I:** Claims 1-4 drawn to a polypeptide comprising an enzyme activity, wherein the enzyme activity asymmetrically reduces N-benzyl-3-pyrrolidinone to produce (S)-N-benzyl-3-pyrrolidinol with NADPH as a coenzyme, wherein the enzyme activity has an optimum action pH range of 4.5 to 5.5, and optimum action temperature of 40 °C to 45 °C, and a molecular weight of approximately 29,000 as determined by gel filtration and about 35,000 as determined by SDS polyacrylamide gel electrophoresis, and wherein the enzyme activity is inhibited by divalent copper.
>
> **Group II:** Claims 5-19 (and newly added claims 22-23) drawn to a DNA encoding the protein of Group I, an expression vector containing the DNA, and a transformant containing the expression vector.
>
> **Group III:** Claims 20-21 drawn to a method of producing (S)-N-benzyl-3-pyrrolidinol using the transformants of Group II.

Groups II and III are linked to form a single inventive concept because there is at least one special technical feature common between the groups. Group II is directed to an isolated and purified DNA, vectors comprising the DNA, and transformants comprising the DNA. Group III is directed to the use of the transformants of Group II in a method of producing (S)-N-benzyl-3-pyrrolidinol. Thus, Groups II and III are directed essentially to a means useful in carrying out a process (Group II) and to the process itself (Group III). This relationship is clearly contemplated as possessing unity of invention. *See* MPEP § 1893.03 (d). Therefore, the claims of Groups II and III, claims 5-19 and 22-23, should be rejoined and examined together.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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